

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

JAMES MHOON

PLAINTIFF

V.

CIVIL ACTION NO. 4:22-CV-00105-JMV

MDOC OFFICERS (MSP),
LT. JACQUELINE WRIGHT, and
LT. MICHAEL HONEYCUTT

DEFENDANTS

ORDER

This matter comes before the Court upon the Plaintiff's Motion "To Show of Cause" [11] in which Plaintiff *seemingly* argues that his failure to return PSP forms was due to circumstances beyond his control and wishes to proceed with the case.

By way of background, on July 13, 2022, an Order was entered and mailed to Plaintiff advising him that, if he wished "to continue with this case, he must sign the Acknowledgment (Form PSP-3), and return it to the Clerk of Court within thirty (30) days." Doc. # 4. The Order further warned Plaintiff that his "failure to return one or other of the forms . . . will be deemed as a purposeful delay and contumacious act by the plaintiff and may result in this case being dismissed *sua sponte*, without prejudice, without further written notice." *Id.*

Despite this warning, Plaintiff failed to return the required forms.¹ Consequently, the Court entered an Order on August 22, 2022, directing Plaintiff to show cause within fourteen (14) days why his case should not be involuntarily dismissed as provided by Federal Rule of Civil Procedure 41(b). Doc. # 6. Plaintiff responded to the Order on August 29, 2022, advising the Court that certain restrictions at the prison prevented him from submitted the requisite forms. Doc. # 8.

¹ Plaintiff did, however, sign and return a form consenting to Magistrate Judge jurisdiction in this case on August 2, 2022. Doc. # 5. This Consent form was sent to Plaintiff at the same time as the aforementioned PSP forms.

Despite the alleged restrictions, Plaintiff was able to return Consent forms, an Acknowledgement of Receipt, and a response to the show cause order. *See* Doc. #s 5, 7, 8. Thus, on September 7, 2022, the Court entered an Order dismissing this case without prejudice due to Plaintiff's failure to prosecute and obey an order of the court. Doc. # 9. As of the date of the instant filing, Plaintiff still has not returned the requisite PSP forms nor has he otherwise shown that relief is warranted. Accordingly, the instant motion [11] is hereby **DENIED without prejudice.**

SO ORDERED, this the 12th day of October, 2022.

/s/ Jane M. Virden
JANE M. VIRDEN
UNITED STATES MAGISTRATE JUDGE